

1 THE HONORABLE JOHN C. COUGHENOUR
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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 UNITED STATES OF AMERICA,

11 Plaintiff,

12 v.

13 SUMIT GARG,

14 Defendant.

CASE NO. CR21-0045-JCC

ORDER

15 This matter comes before the Court on Defendant's motion to compel evidence relied
16 upon by a grand jury witness (Dkt. No. 356) and accompanying motion explaining good cause¹
17 (Dkt. No. 357), and the Government's motion to seal (Dkt. No. 387). Having thoroughly
18 considered the parties' briefing and the relevant record, the Court finds oral argument
19 unnecessary and hereby DENIES the motion to compel and GRANTS the motion to seal for the
20 reasons explained herein.

21 Defendant alleges the Government has withheld various evidence and asks the Court to
22 compel the Government to provide discovery it is withholding.² (Dkt. No. 356.) But the

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24 ¹ The Government does not challenge the timeliness of this motion, so the Court considers the
motion on its merits.

25 ² Alternatively, Defendant alleges one of the Government's witnesses presented perjured
26 testimony to the grand jury. (Dkt. No. 356 at 4.) But for the reasons set forth in the
Government's reply, this claim is without merit. (Dkt. No. 386 at 6.)

1 Government has already provided all of the information available to its grand jury witness at the
2 time of her testimony. (Dkt. No. 386 at 6.) Because Defendant already has all relevant discovery
3 related to the witness at issue, his motion to compel (Dkt. No. 386) is DENIED as moot.

4 In support of its reply, the Government also provided the Court a transcript of the grand
5 jury testimony at issue. (Dkt. No. 388-1.) The Government asks that the transcript remain under
6 seal pursuant to Federal Rule of Criminal Procedure 6(e)(2), which bars the disclosure to the
7 public of matters occurring before the grand jury. (Dkt. No. 387.) Finding good cause, the Court
8 GRANTS the motion to seal (Dkt. No. 387). The Clerk is DIRECTED to maintain Docket
9 Number 388 under seal.

10 DATED this 21st day of April 2023.

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John C. Coughenour
UNITED STATES DISTRICT JUDGE